

Salido
each of R₆ and R₇, independently, is hydrogen; lower alkyl; hydroxy-lower alkyl; alkoxy-lower alkyl; hydroxyalkoxy-lower alkyl; amino-lower alkyl; N-lower alkylamino-lower alkyl; N,N-di-lower alkylamino-lower alkyl; N-(hydroxy-lower alkyl)amino-lower alkyl; or N,N-di(hydroxy-lower alkyl)amino-lower alkyl; and

each of R₈ and R₉, independently, is hydrogen or lower alkyl;
or a pharmaceutically acceptable salt thereof. --

9-18 A pharmaceutical composition comprising a pharmaceutically acceptable carrier or diluent and a therapeutically effective amount of a compound of claim 1, or a pharmaceutically acceptable salt thereof. --

REMARKS

A favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-14 were presented for examination and claims 8-10, 12, 13 and 15-18 are now present in the case.

Claims 5-7 have been cancelled and replaced by "new" claims 15-17.

Claim 9 has been amended to incorporate the concluding passage "or a pharmaceutically acceptable salt thereof" consistent with the other compound, per se, "species" claims.

Claims 10 and 12 have been amended so that they now depend upon "new" claim 15.

"New" pharmaceutical composition claim 18, which is dependent upon claim 8, has been added.

In any event, attached is an Appendix which represents a marked-up version of the changes made to the claims by the foregoing amendments.

As to the restriction requirement which was maintained by the Examiner, Applicants withdraw their traverse and affirm the election of the Group II invention (inadvertently indicated as Group I in the Official Action dated February 5, 2002). Accordingly, all of the claims directed to the non-elected inventions of Groups I and III, viz., claims 1-4, 11 and 14, have been cancelled without prejudice to Applicants' right to file one or more divisionals thereon.

The "sole" issue involves claims 5-7 which have been rejected under the first paragraph of 35 U.S.C. §112 as containing subject matter which is not sufficiently described in the specification so as to enable one to "make" and "use" the invention. The crux of the rejection revolves around the presence of the terms "substituted" and "protective group" in said claims.

As indicated above, claims 5-7 have been cancelled and replaced by "new" claims 15-17. Since none of the latter claims contain the terms "substituted" or "protective group", this rejection is believed to have been overcome.

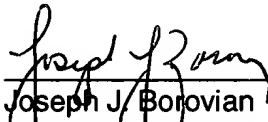
Applicants acknowledge the Examiner's indication that all of the remaining "elected" claims are allowable but are objected to as being dependent upon a rejected claim. In this connection, it should be noted that claim 8 was in independent form and claim 9 depended from claim 8. It is believed, therefore, that claims 8 and 9 should have been allowed and should not have been objected to as being dependent upon a rejected claim. As to the remaining "elected" claims, viz., claims 10, 12 and 13, they no longer depend on a rejected claim, i.e., they all depend or ultimately depend from "new" claim 15 which, as indicated above, is believed to be allowable. Therefore, claims 10, 12 and 13, as well as "new" claim 18, are also believed to be allowable.

The "sole" rejection of record having been overcome, the instant application is deemed to be in condition for allowance; and an early notice to that effect is earnestly solicited.

Although four "new" claims were added by this Amendment, nine claims were cancelled. In any event, since neither the total number of claims nor the total number of independent claims now present in the case exceeds the highest total previously paid for, no additional fee is necessitated by the added claims.

Respectfully submitted,

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Encls.: Appendix
Postcard

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APPENDIX

(Marked-Up Version of the Changes Made)

APR 22 2002

In the Claims:

Claim 9 has been amended as follows:

9. (amended) A compound according to claim 8 which is 4-[3,5-bis(2-hydroxyphenyl)-[1,2,4]triazol-1-yl]benzoic acid, or a pharmaceutically acceptable salt thereof.

Claim 10 has been amended as follows:

10. (amended) A pharmaceutical composition comprising a pharmaceutically acceptable carrier or diluent and a therapeutically effective amount of a compound of claim [5]15, or a pharmaceutically acceptable salt thereof.

Claim 12 has been amended as follows:

12. (amended) A compound according to claim [5]15 which is 2-[3,5-bis(2-hydroxyphenyl)-[1,2,4]triazol-1-yl]benzoic acid, or a pharmaceutically acceptable salt thereof.

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